

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DIEGO ROSS,

Plaintiffs,

CIV. NO. S- 09-0157 GEB GGH PS

vs.

RICHARD ROSS,

Defendant.

ORDER

Defendant's motion to dismiss presently is calendared for hearing on June 18, 2009. Having reviewed the record, the court has determined that oral argument would not be of material assistance in determining the pending motion. Accordingly, the court will not entertain oral argument, and will determine the motion on the record, including the briefing in support of the pending motion. See E.D. Cal. L.R. 78-230(h).

Accordingly, IT IS ORDERED that:

1. The June 18, 2009 hearing on the motion to dismiss, filed April 22, 2009, is vacated; and

2. The motion is submitted on the record.

DATED: June 16, 2009

/s/ Gregory G. Hollows

GREGORY G. HOLLOWES
U. S. MAGISTRATE JUDGE

GGH:076:Ross0157.vac.wpd